

Annual Report

Maricopa County Office of the Public Defender

2010-2011

MARICOPA COUNTY OFFICE OF THE PUBLIC DEFENDER
620 W. Jackson Street, Suite 4015, Phoenix, AZ 85042
(602) 506-7711
pdinfo@mail.maricopa.gov

Annual Report

Maricopa County Office of the Public Defender

Mission

The mission of the Office of the Public Defender is to provide quality legal representation to indigent individuals assigned to us by the court, thus safeguarding the fundamental legal rights of each member of the community.

Goals

The Maricopa County Public Defender's Office provides tremendous value to the community by serving an important public safety function. We seek effective dispositions for addressing the underlying problems that contribute to our clients' criminal behavior, thus providing them with their best chance to become productive and law-abiding individuals. Our goals are:

- To protect the rights of our clients, to guarantee that clients receive equal protection under the law, regardless of race, creed, national origin or socioeconomic status, and to ensure that all ethical and constitutional responsibilities and mandates are fulfilled;
- To obtain and promote dispositions that are effective in reducing recidivism, improving clients' well-being, and enhancing quality of life for all;
- To work in partnership with other agencies to improve access to justice, develop rational justice system policies, and maintain appropriate caseload and performance standards;
- To enhance the professionalism and productivity of all staff; and
- To perform our obligations in a fiscally responsible manner including maintaining cost effectiveness by limiting the percentage of increase in the annual cost per case to no more than the percentage of increase in the overall annual funding of the County's criminal justice group.

DEFEND ~ PROTECT ~ ENHANCE ~ PROMOTE ~ IMPROVE ENSURE ~

PARTNER ~ RESPOND ~ PRODUCE ~ RESOLVE ACHIEVE ~ REPRESENT

~ LEAD

Department Initiatives

In FY11, the Maricopa County Public Defender's Office continued to support initiatives addressing the root causes of offenders' criminal behavior and reducing recidivism. The reduction in recidivism enhances public safety and reduces future demands on the criminal justice system.

We are pleased to report that the Veterans Court referenced in last year's report is now a reality, focusing expertise and resources on the unique needs of veterans caught up in the criminal justice system. In addition, the Office continues its involvement with the Regional Homeless Court (RHC), which is in the process of being expanded to misdemeanors in the Maricopa County Justice Courts. The RHC brings the homeless population and the regional limited jurisdiction courts together in one accessible location to resolve lingering post-adjudicated and pre-adjudicated matters for homeless individuals who are on the road to becoming productive members of our community.

The MCPD also plays a critical role in the Continuity of Care Court, gathering information within days of the arrest of mentally ill defendants. The information obtained by our staff in this court has resulted in at-risk inmates receiving critical medication while incarcerated and evidence based plea offers focused on the root causes of these offenders' criminal behavior being provided at an early stage of proceedings.

Finally, the Office continues to devote considerable efforts to other evidence based initiatives by:

- Working with the courts and prosecution on potential expansion of diversion programs,
- Serving as a stakeholder for the House's Legislative Sub-Committee on Sentencing Reform,
- Working with Arizona Attorneys for Criminal Justice and a nationally recognized expert on an in-depth report of evidence-based practices,
- Serving as a member of the Department of Justice's LEEC's Reentry Committee,
- Serving on the County's SMI Commission,
- Speaking at community forums with the Sheriff and the County Attorney on evidence based practices,
- Working with Magellan and Correctional Health Services to address the ever-widening gap in mental health services to our clients caused by recent budget cuts,
- Serving on the Executive Committee of the County's recently created Jail to Community Services reentry committee, and
- Working with the Adult Probation Department on several training programs regarding expanded use of evidence based practices.



Training Activities

The Public Defender Training Fund (PDTF) continues to be a vital component in meeting this goal. The fund enables the MCPD to provide high-quality training for attorneys and support staff, giving them the necessary resources and tools to provide effective representation. Further, the fund enables the MCPD to serve as a leader and primary sponsor for a variety of statewide training programs focused on indigent defense.

In anticipation of further State and County budget issues, as well as a decrease in PDTF funding, MCPD continued to operate with several fiscal constraints. We maintained our moratorium on out-of-state travel (with limited exceptions) and restrictions on in-state training. We also achieved savings with a reduction of training staff due to retirement. Our conservative approach resulted in a training reserve of \$100,618.84 at the end of the fiscal year, which helps us start the new year on a strong footing.

While training new public defender attorneys from around the state remains a high priority, an ongoing County hiring freeze has shifted our focus to developing the 2-5 year attorney. After our two-week New Attorney Training and the State Bar Professionalism Course, our less experienced attorneys attend our Spring Trial College. This three-day training focuses on cross-examination and openings in a lecture/practice format taught by nationally renowned speakers Terrence McCarthy and Josh Karton. The small group practice sessions are mentored by MCPD and Pima County Public Defender supervisors.

Two to five year attorneys follow that training with attendance at our Fall Trial College, which focuses on Voir Dire and Closings and is taught by another nationally known speaker Ira Mickenberg. This two-day seminar is again in a lecture/practice format where we enlist private, Federal Defender and other Public Defender office attorneys to act as mentors in the small groups.

We supplement training with the APDA Annual Conference (which the MCPD co-sponsors), the Annual Death Penalty Conference, bi-monthly brown-bag lectures, technology training, and publication of our newsletter *for The Defense*.

A new development in the last year arose when we saw a need for training in Capital Appeals and Rule 32 proceedings.

We partnered with the Federal Defender's Capital Habeas Division to offer quarterly trainings on various aspects of these subjects. The trainings have been well attended and received.

In summary, the Public Defender Training Fund remains a cost-effective and dynamic tool for training public defenders and staff.



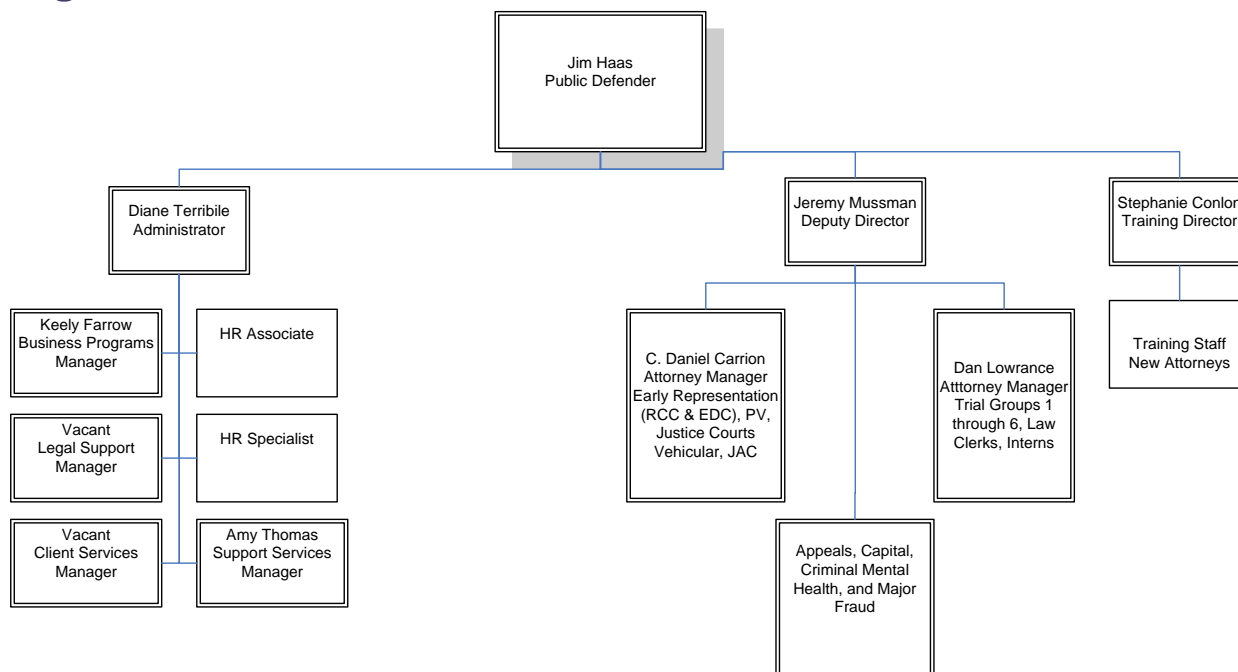
Training Events Summary

Title of Conference/Training	Date(s)	# of attendees
IRIS – Time Sheets	July 1, 2010- June 30, 2011	1
PowerPoint 101	July 1, 2010- June 30, 2011	9
IRIS – Adding Other Case People	July 1, 2010- June 30, 2011	5
Criminal E-Filing	July 1, 2010- June 30, 2011	23
PowerPoint – Animation	July 1, 2010- June 30, 2011	5
PowerPoint – Inserting Objects	July 1, 2010- June 30, 2011	9
FTR Version 5.3	July 1, 2010 – June 30, 2011	5
iCIS View for PD	July 1, 2010 – June 30, 2011	39
IRIS Case Management	July 1, 2010 – June 30, 2011	42
E-Filing Through IRIS	July 1, 2010 – June 30, 2011	71
IRIS – Potential Conflicts Process	July 1, 2010 – June 30, 2011	8
IRIS – Records Management	July 1, 2010 – June 30, 2011	3
IRIS - Case Initiation	July 1, 2010 – June 30, 2011	2
IRIS – Updating and Closing Cases	July 1, 2010 – June 30, 2011	2
Westlaw General Refresher	July 1, 2010 – June 30, 2011	16
APD Re-Entry Programs	July 9, 2010	30
Accident Reconstruction / Auto - Pedestrian - Bicycle	July 21, 2010	10
SB1070 Potential Impact	July 26, 2010	61
New Employee Training	July 26 - 29, 2010	6
AZ's New Law on Expert Testimony	July 30, 2010	44
New Attorney Training: Trial Skills	August 2 - 6, 2010	8
New Employee Training	August 10 - 13, 2010	5
New Attorney Training: CM Skills	August 16 - 20, 2010	3
Firearms / Ballistics	August 19, 2010	25
AA/NA Everything you didn't know	August 20, 2010	12
Faxination Training	August 23, 2010	32
Appellate Perspectives on Civil Involuntary Commitment	August 24, 2010	10
Representing Veterans/ Diversity Event/ Diversity in the Military	August 25, 2010	39
Plotters/PowerPoint	August 26, 2010	6
Getting to know Daubert	August 27, 2010	50
Using Evidence to Promote Public Safety Webinar	September 8, 2010	3
S Drive Volunteer Training	September 9 and 14, 2010	20
Representing Veterans Training for RCC –DT	September 14, 2010	17
Scanning & Secured Printing Training/ Records	September 15 and 23, 2010	11
Deferred Compensation Plan Overview	September 16, 2010	45
PCR Updates/ Rule-32 Post-Conviction Relief Survival Guide	September 22, 2010	74
OST Training	September 29, 2010	27
Mexican Consulate Support Staff Training	September 30, 2010	28
New Employee Training	October 5 - 7, 2010	5
Preventing Workplace Violence and Bullying / Webinar	October 12, 2010	6

Title of Conference/Training	Date(s)	# of attendees
Emergency Evacuation Training	October 14, 2010	11
Records Telephone Refresher	October 19, 2010 and January 11, 2011	23
OST / RCC-DT	October 19, 2010	15
Capital Skills Training	October 21 - 22, 2010	32
Correctional Health Services: Identifying & Serving Individuals	October 29, 2010	29
Windows Movie Maker	October 2010 and November 2010	21
Capital Direct Appeals & PCR Training / Co-sponsor FPD	November 4 - 5, 2010	50
Real Colors	November 10, 2010	15
Webinar: First Line of Defense Mental Health 1st Aid for Vets	November 10, 2010	3
Deferred Compensation	November 19, 2010	3
Death Penalty 2010	December 1 - 3, 2010	296
New Employee Training	December 7 - 8, 2010	9
Advanced Trial College	December 9 - 10, 2010	46
New Attorney Training: CM Skills	December 13 - 17, 2010	9
Criminal Dept Master Calendar	December 15, 2010	33
Setting up PPT Equipment	January 10, 12 and 13, 2011	7
Ergo/ Back Care CSU & Records Staff	January 12 and 14, 2011	18
Real Colors	January 13, 2011	18
New Employee Training	January 18 - 21, 2011	7
New Attorney Training: Trial Skills	January 24 - 28, 2011	12
IRIS – Time Sheets for Legal Defender's Office	January 27, 2011	4
Vinnie's Medicine Chest	February 1, 2011	41
DLA-20 Functional Assessment for Persons w/ SMI	February 8, 2011	5
Northover Mini Seminar Jury Communications	February 11, 2011	7
Criminal Mental Health Training / Mesa	February 14, 2011	14
Filling Out Evaluations for Lead Attorneys	February 25 and 28, 2011	17
Interstate Compact	March 2, 2011	28
Crisis Management: Supporting Employees During & After a Crisis	March 9, 2011	4
Spring Professionalism Course	March 11, 2011	16
New Employee Training	March 14 - 16, 2011	5
15 th Annual Trial College	March 22 - 24, 2011	35
Vinnie's Medicine Chest / Mesa	March 31, 2011	13
New Employee Orientation	April 5 - 8, 2011	3
Turbo Court Overview	April 7, 2011	38
Deferred Comp	April 15, 2011	5
County Open Enrollment Overview	April 20 and 21, 2011	58
From Police Officers to Defense Investigator / BB	April 21, 2011	27
Capital PCR Training/ SCOUTS Case	April 21, 2011	40
Bond Forfeiture Training	April 29, 2011	19
U.S. Dept of Veteran's Affairs / Mesa	April 29, 2011	12

Title of Conference/Training	Date(s)	# of attendees
APD Training Programs Update	May 2, 2011	13
New Employee Orientation	May 3 - 5, 2011	3
The Last Gasp of Crawford? Michigan v Bryant / BB	May 3, 2011	31
Free Talks	May 5, 2011	48
New Attorney Training: CM Skills	May 9 - 13, 2011	7
Capital Direct Appeals & PCR Supplemental Seminar	May 13, 2011	37
Bond Forfeiture Training / Mesa	May 13, 2011	12
New Employee Orientation	May 16, 2011	2
New Attorney Training: CM Skills	May 17 - 18, 2011	1
New Attorney Training: Trial Skills	May 23 - 27, 2011	8
Time Entry and Approval in the New ADP System	June 2, 2011	27
Court Room Presentations How to: Plotter Use & Mounting	June 8, 2011	19
MCSO Records Request Training	June 9, 2011	43
ADP Overview for Supervisors	June 15, 2011	33
9 th Annual APDA Conference	June 22 - 24, 2011	338
Is Your Expert Really an Expert?	June 28, 2011	26
Access to AHCCCS & Behavioral Health Recipient Benefits	June 29, 2011	20

Organizational Chart



Managing for Results, Statistics and Budgeting

Over the past seven years, the Public Defender's Office has reported strategic and statistical information using Managing for Results (MFR). MFR is a comprehensive and integrated management system that was established in 2000. Four cycles (planning, budgeting, reporting, evaluating) comprise the MFR system which is used heavily in budgetary decision-making.

MFR data is comprised of four types of measures: demand, output, efficiencies, and results. Data reported for these measures in prior years included projections and historical actuals for case assignment (demand), case resolution (output), and expenses by case type (efficiency), as well measures geared for demonstrating effectiveness and/or efficiency (result). In FY10, the Public Defender's results measures were significantly revamped. To a large extent, the Office can't control the timeliness or even the effectiveness of representation. The specifics of the cases and the relevant case law, along with the power and authority of Court and County Attorney, restrict our impact on process timeliness and case outcomes. However, because FY11 marks the second year for data in the new structure, we are at least able to compare year-to-year changes in those numbers and consider the information as part of our ongoing efforts toward monitoring the quality of our representation.

In FY10, the Office also began using a new fifteen criteria case weighting system. With a second year of data, trend analysis is now possible. Department-wide and individual attorney reports are available to Office management and supervisors. These figures help to quantify the relative difficulty of cases in an effort to understand attorney workloads better. Case weighting information is used in conjunction with the supervisors' more-detailed understanding of their attorney's cases, to assist supervisors in workload leveling. The intention of these efforts is to ensure workloads are not excessive for any particular attorney(s), and to inform supervisors which attorney(s) might have the ability to take additional cases.

Finally, with regard to FY11 budgeting, residual effects from the economic downturn continued to impact the Office. While budget cuts were not required for FY11, the reductions from prior years left the department in a difficult position. The prior year reductions coupled with some unusual mandatory one-time costs put the department over budget for a time during the year. Fortunately, the County Manager authorized a year-end budget transfer that had the effect of increasing the expenditure appropriation for Public Defender. The funding was transferred from another of the offices in Public Defense services that had not been faced with the same difficulties and had been able to achieve sufficient savings.



Budget Abstract

ACCOUNT	EXPENDITURES
SALARIES & BENEFITS	\$33,589,604.46
GENERAL SUPPLIES	\$363,176.94
FUEL	\$13,616.80
NON-CAPITAL EQUIPMENT	\$0.00
LEGAL SERVICES	\$1,616,098.52
OTHER SERVICES	\$107,991.11
RENT & OPERATING LEASES	\$69,007.16
REPAIRS AND MAINTENANCE	\$28,635.74
INTERNAL SERVICE CHARGES	\$35,743.29
TRAVEL	\$41,027.76
EDUCATION	\$113,842.18
POSTAGE/FREIGHT/SHIPPING	\$37,290.22
CAPITAL EQUIPMENT	\$0.00
VEHICLES	\$0.00
DEBT SERVICES (Technology Financing)	\$17,373.26
TOTAL EXPENDITURES	\$36,033,407.44

APPROPRIATIONS	AMOUNT
GENERAL FUNDS	\$34,444,787.00
TRAINING SPECIAL REVENUE FUND	\$438,134.00
FILL THE GAP SPECIAL REVENUE FUND	\$1,483,701.00
DEA GRANT	\$445,651.00
TOTAL APPROPRIATIONS	\$36,812,273.00

Statistical Abstracts

Cases Assigned

History of Cases Assigned by Case Categories FY07-FY11 Cases Assigned ^{1,2}					
Case Type	FY07	FY08	FY09	FY10	FY11
Capital	18	14	7	8	13
All other Homicide	159	189	160	126	129
Class 2-3 Felony	6,001	5,709	6,352	5,292	5,272
Class 2-3 Felony - RCC/EDC	2,094	2,438	2,835	2,579	2,191
Class 2-3 Felony - Non RCC/EDC	3,907	3,271	3,517	2,713	3,081
DUI	2,121	2,206	2,331	2,052	1,960
DUI - RCC/EDC	1,457	1,616	1,659	1,310	1,236
DUI - Non RCC/EDC	664	590	672	742	724
Class 4-6 Felony	17,545	18,903	16,776	14,279	13,574
Class 4, 5, & 6 Felony - RCC/EDC	12,814	14,663	13,061	11,344	10,269
Class 4, 5, & 6 Felony - Non RCC/EDC	4,731	4,240	3,715	2,935	3,305
Violation of Probation	18,473	15,904	15,235	12,216	12,259
Misdemeanor	3,417	3,276	3,176	2,896	2,763
Trial Division Total	47,734	46,201	44,037	36,869	35,970
Mental Health Total ³	2,546	2,818	3,453	3,572	3,521
Appeals (includes Capital)	436	318	371	467	380
Plea PCR (Appeal PCR)	626	527	243	374	191
Trial PCR (PCR)	169	128	70	133	75
Juvenile Appeal	34	46	38	23	1
Appeals Division Total	1,265	1,019	722	997	647
Total of Above	51,545	50,038	48,212	41,438	40,138

¹ A substantial review of historical data was made in June and July 2007. The data here has been updated to reflect any corrections processed at that time for FY03 through FY07. Data after 2007 is updated as information available. Data may not match older reports.

² Total cases opened minus cases closed during the time period with the following dispositions: no complaint, administrative transfer, and workload withdrawal cases.

³ Beginning FY09, Mental Health case assignment methodology was revised. In prior years, a new case was created in the event of Judicial Reviews, Annual Reviews or Review Status Hearings. The revised process and procedures have been changed so that when such events occur, the original case is reactivated instead of creating a new case in IRIS.

Cases Resolved

History of Cases Resolved by Case Categories FY07-FY11 Cases Resolved ^{1,2}					
Case Type	FY07	FY08	FY09	FY10	FY11
Capital	7	8	8	21	8
All other Homicide	78	86	106	88	63
Class 2-3 Felony	4,604	3,847	4,276	3,929	3,342
Class 2-3 Felony - RCC/EDC	1,541	1,390	1,496	1,533	1,277
Class 2-3 Felony - Non RCC/EDC	3,063	2,457	2,780	2,396	2,065
DUI	1,558	1,676	2,007	1,738	1,588
DUI - RCC/EDC	1,082	1,114	1,266	1,091	957
DUI - Non RCC/EDC	476	562	741	647	631
Class 4-6 Felony	14,824	14,921	15,282	12,968	12,096
Class 4, 5, & 6 Felony - RCC/EDC	10,750	11,136	11,175	9,933	9,318
Class 4, 5, & 6 Felony - Non RCC/EDC	4,074	3,785	4,107	3,035	2,778
Violation of Probation	17,533	14,835	14,132	11,783	11,236
Misdemeanor	3,037	2,765	2,827	2,726	2,381
Trial Division Total	41,641	38,138	38,638	33,253	30,714
Mental Health ³	2,452	2,712	3,358	3,510	1,110
Appeals (includes Capital)	328	283	334	441	379
Plea PCR	501	485	329	223	176
Trial PCR	69	69	47	64	61
Juvenile Appeals	32	53	22	41	5
Appeals Division Total	930	890	732	769	621
Total of All Above	45,023	41,740	42,728	37,532	32,445

¹ A substantial review of historical data was made in June and July 2007. The data here has been updated to reflect any corrections processed at that time for FY03 through FY07. Data after 2007 is updated as information available. Data may not match older reports.

² Case resolutions are total cases closed during the fiscal year, minus cases closed during the fiscal year that were not resolved by the office directly (i.e., reduced by cases in which no complaint is filed, private counsel is retained, conflict withdrawals, workload withdrawals, and transfers to another IR department).

³ Beginning FY09, Mental Health case assignment methodology was revised. In prior years, a new case was created in the event of Judicial Reviews, Annual Reviews or Review Status Hearings. The revised process and procedures have been changed so that when such events occur, the original case is reactivated instead of creating a new case in IRIS.

Recognitions



Ronald McDonald House Charities® of Phoenix
501 East Radwala Avenue ♥ Phoenix, Arizona 85004
602-264-2654 Office ♥ 602-264-5670 Fax

www.rmhcphoenix.com

May 12, 2011

Mr. Jim Haas
Maricopa County Public Defender's Office
620 W Jackson Ste 4015
Phoenix, AZ 85013

Dear Mr. Haas,

On behalf of the families served by Ronald McDonald House Charities of Phoenix, I would like to thank you for generously providing dinner on May 09, 2011. Often times our families spend most of their day at the hospital eating from vending machines and dinners like the one Maricopa County Public Defender's Office provided can be the only real meal they have.

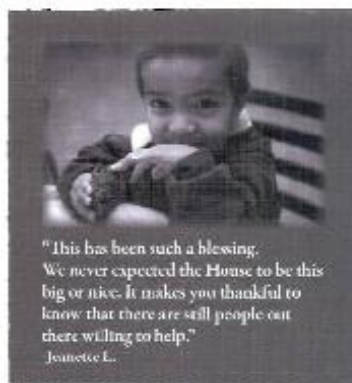
Children heal faster and better when they are surrounded by the ones they love. The camaraderie provided by your group allows for a much needed diversion to families while facing the challenge of caring for a sick or injured child. Ronald McDonald House depends on special people in our community like you to help make our House a home. We are grateful to you and everyone that helped make this gift possible.

Should you be interested in continuing to provide support through dinners or learning about other ways to get involved please contact Nate Harat, Assistant House Manager, at nharat@rmhcphoenix.com or (602) 535-8501.

Through your time, you have truly touched the lives of the families and children who find a home-away-from-home here at "The House That Love Built." We look forward to partnering with you again.

With sincerest appreciation,

Tamara Bohannon
Director of Development



"This has been such a blessing. We never expected the House to be this big or nice. It makes you thankful to know that there are still people out there willing to help."
Jeanette L.

Providing a home-away-from-home since 1987.